DOCUMENT RESUME

ED 364 471 SO 023 509

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TITLE The Old Courthouse in St. Louis: Yesterday and Today. Teaching with Historic Places.
INSTITUTION National Park Service (Dept. of Interior), Washington, D.C.; National Register of Historic Places, Washington, DC. Interagency Resources Div.; National Trust for Historic Preservation, Washington, D.C.
PUB DATE [93]
NOTE 17p.; Photographs may not reproduce clearly. For related documents in this series, see SO 023 502-508.
AVAILABLE FROM National Trust for Historic Preservation, Teaching with Historic Places Project, 1785 Massachusetts Avenue, N.W., Washington, DC 20036.
PUB TYPE Guides - Classroom Use - Teaching Guides (For Teacher) (052)

EDRS PRICE MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS Architecture; Buildings; Court Litigation; Elementary Secondary Education; *History Instruction; Instructional Materials; Local History; Locational Skills (Social Studies); Maps; Social Studies; *United States History
IDENTIFIERS *Missouri (Saint Louis)

ABSTRACT

This document, from the lesson plan series, "Teaching with Historic Places," explores the history of the Old Courthouse in St. Louis, Missouri. Following an introductory section on the courthouse's role as a seat of justice and meeting place, the document sets out objectives for students and teaching activities. The teaching activity suggestions include details on "Setting the Stage"; "Locating the Site"; "Determining the Facts"; and "Putting It All Together." Activities relate to attached readings on the national railroad and the Dred Scott trial. The document contains four maps and two photographs. (SG)

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The Old Courthouse in St. Louis:

Yesterday and Today

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Teaching with Historic Places

A program of the National Park Service's National Register of Historic Places and the National Trust for Historic Preservation

The Old Courthouse in St. Louis: Yesterday and Today

BY DIANE JAMES

All persons intending to emigrate to Oregon are requested to meet at the Court House (in conjunction with the citizens friendly to the cause) on Thursday evening next, the 7th inst., at half past seven o'clock.

ST. LOUIS DAILY PEOPLES' ORGAN, 5 APRIL 1843

The Old Courthouse and Gateway Arch, 1975.

Throughout the 19th century the Old Courthouse in St. Louis served not only as a house of justice, but also as a public gathering place for pioneers planning their westward trek across the plains. Thirteen courtrooms were in use from 1845 until 1930. The courthouse dominated the city's skyline until the turn of the 20th century when skyscrapers rose to challenge it. The iron-framed dome was the forerunner of many similar domes erected on government buildings throughout the country. For many years the courthouse rotunda was one of the largest and most ornate rooms in St. Louis and it was used for many city activities.

An editorial in the *Missouri Republican* of 2 May 1855 read, "the Rotunda . . . is well adapted to popular assemblies. No room of the same dimensions in the city is better suited to the voice. In the upper tiers every word uttered with common force is plainly distinguishable." At a time when commercial amusement was limited, public events held at the courthouse were well attended. Debates, speeches, and even court proceedings were considered forms of entertainment. This 19th-century courthouse brought national concerns to the people and provided a forum where they could actively participate in the shaping of their country's future.

This lesson about the Old Courthouse in downtown St. Louis is based on National Register of Historic Places registration documentation and other sources. Materials for students include (1) readings about important events that took place at the Old Courthouse and a script for a mock trial adapted from court transcripts of the Dred Scott case; (2) maps of the St. Louis area and of 19th-century railroad construction; and (3) a photo of the Old Courthouse and its surroundings. The lesson could be used in teaching units on America's 19th-century westward expansion, sectional conflict leading to the Civil War, or a variety of civics issues. Students will strengthen their skills of observation, analysis, and critical thinking and gain an empathetic understanding of several important historical figures.

Objectives for the Students

- To explain why St. Louis was founded on the Mississippi River and the important role the city and its courthouse played in the westward expansion movement.
- To identify and discuss issues significant to 19th-century railroad expansion to the western region of the nation.
- To explain how a legal verdict—the Dred Scott Decision—can affect national policy.
- To identify and describe a historic structure in the students' own community that has been rehabilitated and reused.

ISBN No. 0-89133-283-9

Teaching Activities

Setting the Stage

Explain to the students that the Old Courthouse in downtown St. Louis was the site of many events that had national reverberations. For example, in the 1840s and 1850s, the courthouse's rotunda was an arena for great speeches, debates, and discussions on the possibilities of building railroads across the continent. In the 1850s, one of the courtrooms was the setting for the portentous Dred Scott trial.

The courthouse as it exists today took nearly 40 years to complete. The original brick structure built in 1828 soon became too small for the growing city of St. Louis. A classical Greek Revival design that incorporated the brick courthouse as its east wing was opened on Washington's birthday, 22 February 1845. Throughout the years the courthouse continued to be remodeled and enlarged. The brick east wing was eventually replaced and another larger, more elaborate dome was designed and constructed. Not until 4 July 1862 was the courthouse declared officially complete. It was the tallest and most impressive building in St. Louis, rising more than 190 feet.

Locating the Site

Provide the students with copies of the attached maps to complete the following exercises:

a. Ask the students to locate the Mississippi and Missouri rivers on Map Exhibit 1. Have them speculate on why these rivers were so important before and during the 19th century. Next, have the students locate St. Louis. Explain that fur traders Pierre Laclede and August Chouteau founded the city in 1764 and then ask the students the following questions:

- Why do you think they chose the site they did? What were the advantages of that site?
- Why do you think St. Louis received the nickname "Gateway to the West" during the 19th century?

b. Have the students examine Map Exhibit 2 and locate the square block on which the Old Courthouse stands. Ask them to examine the map further and then to list some of the other buildings depicted, noting in particular those along the riverfront. What kinds of businesses were important to the St. Louis economy at this time?

c. Have the students look at Map Exhibit 3 and note how abruptly the rail lines stop at or near the Mississippi River. Remind them of the extent of European American settlement in the West by that time (Texas was annexed in 1845, California had become a state in 1850). Ask the students to speculate on why St. Louis was so eager to become the starting point of a railroad that would run all the way to the West Coast.

Determining the Facts

Reading 1: The Railroad: A National Controversy

Provide the students with copies of Reading 1. When they have completed the reading, have them answer the following questions:

a. Why by 1849 did most Americans believe that it was time for the country to build a transcontinental railroad line?

b. What were the three proposed routes?

c. Which route did Senator Thomas Hart Benton support and why did he push for that route?

d. Which route did Stephen Douglas support and what were his reasons for favoring that route?

e. Which route would you have supported? Explain your reasons.

f. The debate was held in the St. Louis Courthouse in 1849, but the last track for the transcontinental railroad was not laid until 1869. What obstacles might have stood in the way of completing the railroad sooner? (Civil War, funding.)

Reading 2: The Dred Scott Trial

Provide the students with copies of Reading 2, a classroom play based on transcripts of the actual Dred Scott trial. Have the students choose roles or assign them. If there are more students than roles ask the extra students to act as alternate jurors. After they have finished role-playing the litigation, the student jurors should reach a verdict based on the hearing and announce it to the class.

Reading 3: The Significance of the Dred Scott Trial

After a verdict has been announced in the mock trial, provide the students with copies of Reading 3. When they have completed the reading, they should answer the following questions:

a. On what grounds did Dred and Harriet Scott first sue for their freedom in 1846?

b. What was the 1850 verdict of the Missouri Circuit Court in St. Louis?

c. Why was the Scotts' case of little importance to the St. Louis community?

d. Why was the case taken to the Missouri Supreme Court?

e. Why did the case become more important as the years passed and as it moved up through the nation's court system?

f. What was the decision issued by the United States Supreme Court in 1857?

g. Why were the northern states angered by the verdict?

h. How did the 1857 decision influence support for the Civil War?

i. Why do you think this decision was different from those of the earlier trials?

Visual Evidence

Photo 1 provides a 20th-century view of the Old Courthouse. Explain to the students that at the time the building was erected, it was the tallest and largest in the city. Also explain that buildings such as the Old Courthouse were designed to impress upon people the solemnity of their rights to take part in the larger civic culture. Many such older public buildings today serve as civic monuments and reminders of our past. The Old Courthouse is now a museum where visitors can trace the growth of St. Louis from 1764 to the present. Ask the students to speculate on why these older buildings can no longer serve the function for which they were intended. (Inadequate office space, hard to heat and cool, insufficient parking area.)

Putting It All Together

Students might enjoy comparing the way the events are recounted in the readings with the way they are presented in a U.S. history textbook and discussing the differences in perspective. In studying nationally important events, students do not always learn how these events evolve from local issues or how national debate and decision affect individual communities. The following activities will encourage students to make those connections.

Activity 1: Locating a Railway

Provide the students with copies of Map Exhibit 4 and explain that while St. Louis was located on a rail line and passengers and freight could easily connect to the West Coast, the city was not on what generally was regarded in 1900 as a "transcontinental railroad." Further note that St. Louis nonetheless remained an important commercial and business center. Ask the students to plot other ways goods were moved (Mississippi River to railroad junctions or to other river ports). Now have the students identify the railroad nearest their community and discuss whether and to what degree railroads were important to townspeople in the 19th century. Local histories found at public libraries usually have a chapter devoted to the coming of the railroad. Some students might wish to research this topic and present a report to the class. (Students in Hawaii, Alaska, or the Territories might choose to look at a community they have visited or would like to visit.)

Activity 2: The Dred Scott Case

After the students have discussed the Dred Scott case, have them look up the meaning of the following court-related words. Discuss the definitions of words used in the trial they performed.

plaintiff	defendant	prosecutor
judge	defense attorney	jury
verdict	appeal	Supreme Court
civil case	criminal case	precedent
litigation	bailiff	

If a class visit to an actual trial is possible, prepare the students by asking them to choose a particular person involved in the case with whom to identify. Back in the classroom, have those representing the plaintiff, defendant, judge, etc., meet in their respective groups and discuss the following issues: (1) how well each of the attorneys presented his or her case; (2) the approaches taken by the plaintiff, defendant, judge, etc., as they performed their roles; 3) how the students would have acted if they had assumed those roles; and (4) how they felt about the verdict.

Activity 3: Local and National Connections

Have the students search for examples of how their own community is currently connected with the broader events of the nation. After they have found recent newspaper articles that explore issues of public concern (e.g., changing air routes, interstate environmental issues, civil rights or abortion rights controversies), have the students determine where in their community such issues are debated and discussed. Then have them write a short essay in which they discuss (1) whether or not the same degree of public interest is aroused as in the railroad controversy of the 1840s–60s, and (2) whether or not there is a single site in their community that serves the same purpose as did the Old Courthouse. Finally, ask the students to discuss the essays and the role of public buildings in modern communities.

Activity 4: Historic Preservation

Have the students identify an older public building in their own community and research its original purpose and its uses over time. Ask them to answer the following questions:

- What purpose did this building serve? Is that function still important to the community? Did any important events take place here? If so, why were they important?
- Is the building in use or vacant?
- If in use, is the building still used for its original purpose or has it been adapted for another?
- If the building is vacant, has another building assumed its original purpose?
- Should the building be restored? What kinds of adaptive use would be feasible?

If possible, have a local preservation expert visit the class to discuss these questions with the students and to explain how decisions are made as to whether or not to preserve such buildings.

Visiting the Site

The Old Courthouse and the 630-foot-high Gateway Arch together make up the Jefferson National Expansion Memorial. This national park was established in 1935 to memorialize the role of Thomas Jefferson and others responsible for the nation's territorial expansion to the Pacific and of the countless pioneers who explored and settled the great American West. The park is located in downtown St. Louis along the banks of the Mississippi River, and is accessible by way of interstates 70 and 64. It is open year-round. For more information, write to the Superintendent's Office, Jefferson National Expansion Memorial, 11 North Fourth Street, St. Louis, Missouri 63102.

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This is one in a series of lesson plans by the National Register of Historic Places and the National Trust for Historic Preservation. The National Register is maintained by the National Park Service, U.S. Department of the Interior, as a means of recognizing properties significant in American history, architecture, archeology, engineering, and culture. Each registration file contains a description of the property, an explanation of its historical importance, one or more photographs, one or more maps, and sometimes other documentation. The computerized National Register Information System (NRIS) can produce listings according to location, historical function, historical theme, and other categories. To obtain copies of registration documents or NRIS information, contact **Teaching with Historic Places**, *Interagency Resources Division, National Park Service, P.O. Box 37127, Washington, D.C. 20013-7127, or phone (202) 343-9536. The National Trust and its 250,000 members support preservation organizations and programs in neighborhoods and communities throughout the United States where staff and volunteers are available to work with their schools. For more information on the National Trust's educational programs, please write Heritage Education, National Trust for Historic Preservation, 1785 Massachusetts Avenue., N.W., Washington, D.C. 20036, or phone (202) 673-4040.*

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Teaching with Historic Places *is made possible, in part, with special funding by the Cultural Resources Training Initiative and Parks as Classrooms programs of the National Park Service, U.S. Department of the Interior. Under Title VI of the Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, and the Age Discrimination Act of 1975, as amended, the U.S. Department of the Interior prohibits discrimination on the basis of race, color, national origin, handicap, or age in its programs. If you believe you have been discriminated against in any program, activity, or facility, or if you desire further information, please write: Office of Equal Opportunity, National Park Service, P.O. Box 37127, Washington, D.C. 20013-7127.*

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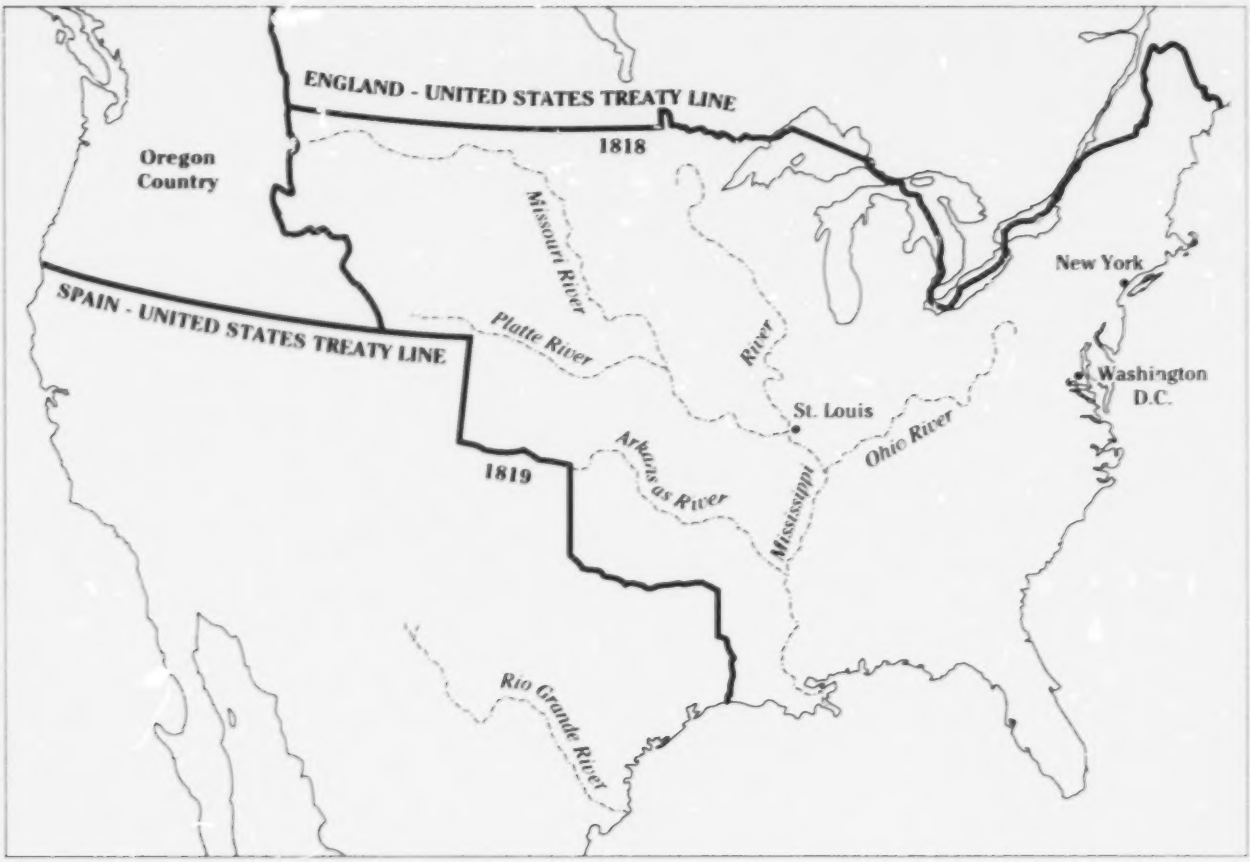
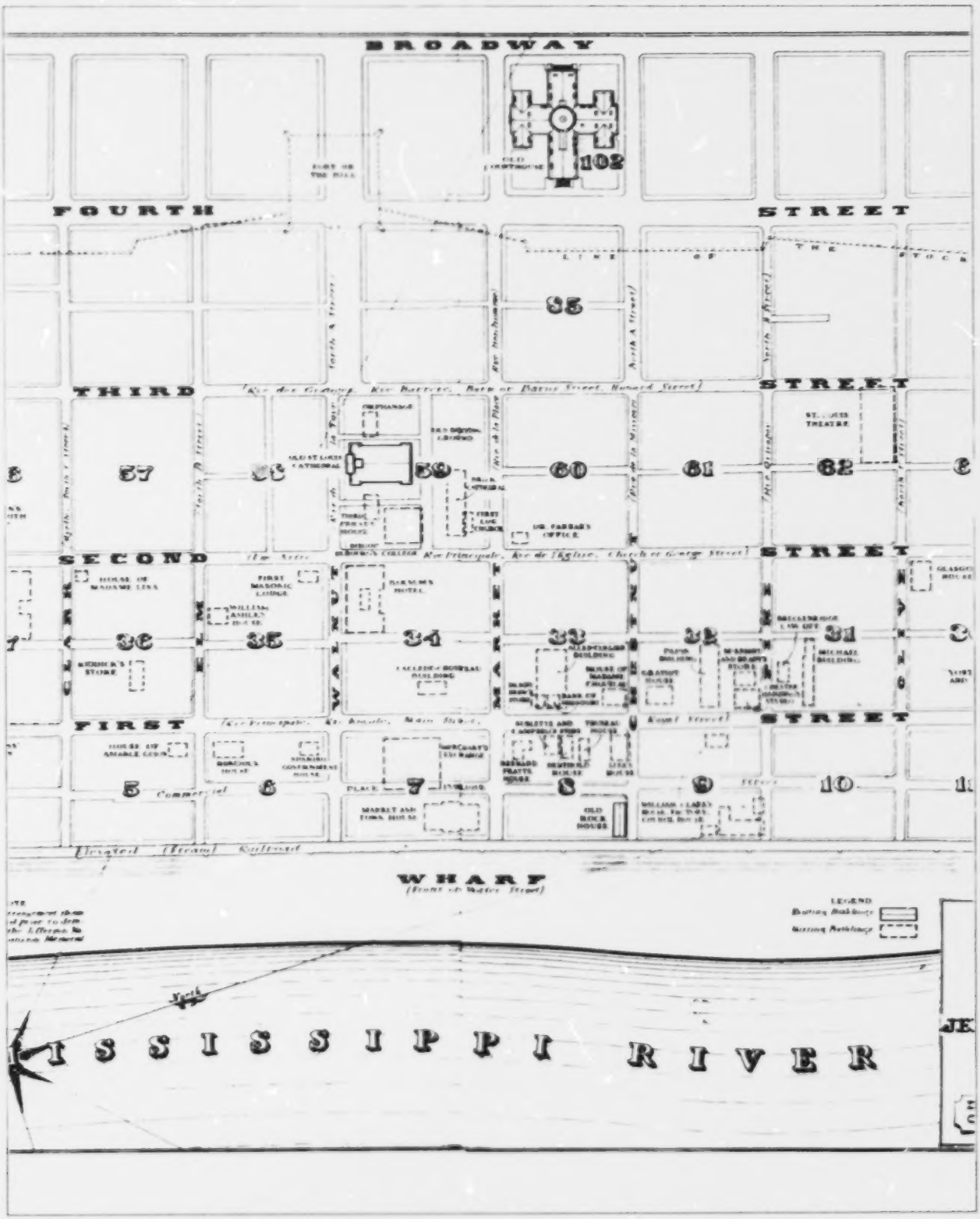
Map Exhibit 1.

The United States in 1819



Map Exhibit 2.

St. Louis, 1843



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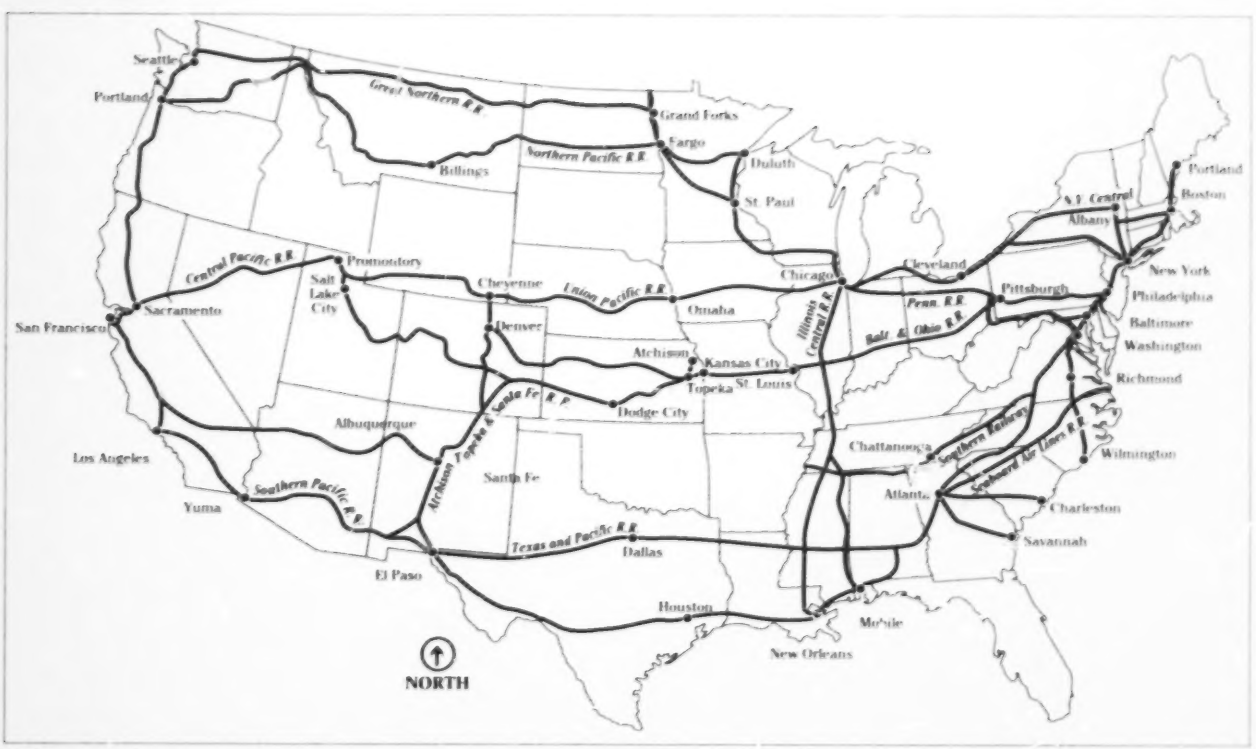
Map Exhibit 3.

Major Railroads, 1860

Map Exhibit 4.

Major Railroads, 1900



Reading 1: The Railroad: A National Controversy *(page 1 of 2)*

The period 1840 to 1860 was marked by great westward migrations in the United States spurred by the desire for land; the discovery of gold; the Mexican War, which resulted in the acquisition of much of the Southwest; and waves of foreign immigration sparked by famine in Ireland and revolution in Germany. The entire country was changing. It was clear that a nationwide system of transportation was needed.

The Old Courthouse was the setting for several meetings held to champion railroad construction. St. Louis, with its western orientation, promoted a rail line to the West Coast even before it had connections with the East Coast. By 1844 Asa Whitney, a New York businessman, began a nationwide campaign to interest the public in a transcontinental railroad line. In November 1846 he spoke in the rotunda of the St. Louis Courthouse before an enthusiastic group of local business people. They passed a resolution to be sent to Congress urging the adoption of the idea.

In 1847 telegraph lines finally reached the Mississippi River. This important communication link with the East quickened an interest in establishing rail connections. In December of that year, large groups of interested townspeople once again gathered in the rotunda to discuss the possibilities. Another resolution was adopted, this one calling on the city to subscribe $500,000 toward the extension of the Ohio and Mississippi Railroad line from Cincinnati to St. Louis. The money was soon raised and construction begun.

Throughout the 1850s the idea of building a transcontinental railroad that would bind the newly acquired western territories to the eastern half of the country became one of the nation's prime concerns. It would be a monumental task. The rails had to be laid across 1,700 miles of desert and mountains; opposition from the Indians was inevitable. Still, in spite of obstacles, the planning went forward.

Controversy arose over which section of the country—North, South, or Middle—should be the eastern terminus for the proposed rail line. In October 1849, after several preliminary meetings, a great railroad convention met in the St. Louis Courthouse rotunda to consider the issue. Delegates came from 14 states. Missouri's Senator Thomas Hart Benton gave a powerful and moving speech in favor of St. Louis serving as the eastern terminus. Even before the purchase of the Louisiana Territory in 1803, Missouri, and especially St. Louis, had considered the Far West as their special preserve. Its interests were their interests and its development was part of their future. In addition, St. Louis's central location on the Mississippi made it the logical starting point for the western portion of the railroad.

The renowned Stephen Douglas, who would later become a leading contender for president of the United States, supported a northern line with Chicago serving as the eastern terminal. He argued that Chicago was closer and more accessible than St. Louis to New York and Boston, two of the wealthiest and most well-established cities in the nation. New York had always been Chicago's natural trading partner, whether shipments passed through the Great Lakes and the Erie Canal or by rail. Besides, the Chicago people pointed out, Benton's proposed central route utilized the Cochetopa Pass, which was too mountainous and too difficult to use.

The southern states hoped that the southwestern territories acquired in 1848 as a result of the Mexican War would be admitted to the Union as slave states. They, of course, favored a southern route that would connect slave-holding neighboring states. Representatives from Tennessee and Kentucky attended the convention and proposed that Memphis serve as the eastern terminus for the railroad.

Reading 1: The Railroad: A National Controversy *(page 2 of 2)*

Throughout the 1850s, the courthouse was host to other railroad meetings. The transcontinental railroad issue was difficult to decide. We can only guess at the number of times the issue was discussed among the nation's policy makers as well as the general public. In the end, Chicago won out. The Union Pacific Railroad, which connected Chicago with Omaha, Nebraska, began building westward until it met the Central Pacific Railroad being built eastward from California. St. Louis was eventually served by a railroad, but its dream of being at the center of this transportation revolution was over.

This reading was adapted from Donald Dosch, The Old Courthouse: Americans Build a Forum on the Frontier *(Jefferson National Expansion Memorial, 1979), and James Primm,* Lion of the Valley: St. Louis, Missouri, *2nd ed. (Boulder, Colo.: Pruett Publishing Co., 1990).*

Reading 2: The Dred Scott Trial *(page 1 of 4)*

Cast

Dred Scott, Plaintiff
Narrator
Irene Emerson, Defendant
Taylor Blow
Judge Alexander Hamilton
Bailiff
Court Clerk
David Hall, Plaintiff's Lawyer #1
Hugh Garland, Defense Lawyer #1
Alexander Field, Plaintiff's Lawyer #2
Lyman Norris, Defense Lawyer #2
Miles H. Clark, Witness
12 Jurors (including Foreperson)

Scene One

Dred Scott, Narrator, Irene Emerson, *and* Taylor Blow *are standing in front. Everyone else is seated in audience.*

NARRATOR: The trial we are about to reenact is true. Dred Scott and his family tried to win their freedom from slavery in St. Louis's Old Courthouse. The people who were part of the case will tell us what happened.

IRENE EMERSON: My name is Irene Emerson. My late husband John owned Dred Scott who was our servant. Sometimes we hired Dred out to work for other people and he made money for us. John was a doctor in the United States Army, and was sent to Illinois and Wisconsin Territory taking Dred with him. Now that John has died, Dred is suing for his freedom. That doesn't seem fair—Dred has always belonged to us, and we've treated him well—look at the thanks we get! (*Sits down.*)

TAYLOR BLOW: My name is Taylor Blow, and my family used to own Dred Scott. My family is originally from Virginia. The year our tobacco crops failed, we moved to St. Louis. Once we got to St. Louis, my father decided he would have to sell Dred because we needed the money. He sold Dred to Dr. Emerson, an army doctor. Over the years, I have not seen much of Dred, and now I want to help him become a free man. (*Sits down.*)

DRED SCOTT: I am Dred Scott. I'm almost 50 years old now and have been a slave all my life. My first owners, the Blow family, treated me well, but had to sell me. I worked odd jobs for the Emersons, and was also hired out to work for other people. They kept all the money for themselves. John Emerson took me across the river to Illinois, and from there way up to Fort Snelling in Wisconsin Territory. I don't think there is supposed to be any slavery in those places, but he kept me as a slave. When I heard that I might be able to become free, I started this case. Taylor Blow and other people have helped me. I'm an old man now, and I can't read or write. I'd like for my wife, Harriet, and daughters, Lizzie and Eliza, to have a better life than I've had. (*Sits down.*)

NARRATOR: All is now ready for the trial to begin. Although nobody knew it at the time, the Dred Scott case was to become one of the most famous trials of all time. Let's see what happened. (*Sits down.*)

Reading 2: The Dred Scott Trial *(page 2 of 4)*

Scene Two

Everyone except the Judge *in their places in the courtroom. The* Judge *stands at door of room.*

Bailiff (*stands and speaks loudly*): All rise. (*Waits for everybody to stand.*) The Circuit Court of St. Louis County is now in session. The honorable Judge Alexander Hamilton presiding.

(*The* Judge *enters and takes a seat.*)

Judge: You may be seated. (*Everyone sits.*) The clerk will call the first case.

Clerk: The case of Dred Scott versus Irene Emerson, Your Honor.

Judge: Are the lawyers in this case ready?

All Lawyers: We are, Your Honor.

Judge: The clerk will swear in the jury.

Clerk (*standing*): The members of the jury will rise, and raise their right hands. (*Waits for them to do so.*) Do you swear as citizens of St. Louis County that your decision will be based entirely on what you hear in this courtroom today?

Jurors (*together*): I do.

Clerk: You may be seated. (**Jurors** *and* **Clerk** *sit down.*)

Judge: Do the lawyers for the plaintiff, Dred Scott, have an opening statement?

David Hall: Yes, Your Honor. (*Moves to stand in front of jury.*) Members of the jury, this is an easy case to decide. As a member of the black race, my client, Dred Scott, is not allowed to tell you his side of the story. I have to tell it to you for him. Dred Scott has been a slave all of his life. His master, Dr. John Emerson, took him to Fort Armstrong in the state of Illinois and kept him as a slave. As all of you know, the laws of Illinois do not allow slavery. Later, Emerson took Dred Scott to Fort Snelling in Wisconsin Territory and, according to the Missouri Compromise, slavery is not allowed there. Even after Emerson left Fort Snelling, he kept Dred Scott as a slave, hiring him out to others in Wisconsin Territory and back in St. Louis. Members of the jury, we say that Dred Scott became a free man when taken to Illinois and Wisconsin Territory. Just because he was brought back to the state of Missouri, where slavery is allowed, does *not* make him a slave again. The laws of Illinois, the nation, and even cases just like this one heard before in Missouri, all say that Dred Scott should be free. Not only Dred himself, but his wife, Harriet, and young daughters, Lizzie and Eliza, depend on your decision. (*Sits.*)

Hugh Garland (*moving to stand in front of jury*): Members of the jury, it is true that slavery is not allowed in Illinois or Wisconsin Territory. But Dr. Emerson was ordered to go there by the United States Army. Dred Scott was Dr. Emerson's property, and Emerson wanted to take him along. The laws of the army, not those of Illinois or Wisconsin Territory, should be followed in this case. Dred Scott came back to Missouri, where slavery is allowed. Why should we let the laws of other places change things here in Missouri? When you think of these things, I am sure that you will decide that Dred Scott is a slave. Thank you. (*Sits.*)

Judge: Do the lawyers for the plaintiff have any witnesses in this case?

Alexander Field: Yes, Your Honor. We call Miles H. Clark.

Bailiff: Miles H. Clark to the stand.

(**Clark** *goes to the witness stand and remains standing.*)

Reading 2: The Dred Scott Trial *(page 3 of 4)*

CLERK (*stands; to* CLARK): Raise your right hand. Do you swear that the testimony you are about to give in this case will be the truth, the whole truth, and nothing but the truth?

MILES H. CLARK: I do.

CLERK: You may be seated. (*Both* CLARK *and the* CLERK *sit.*)

FIELD (*to* CLARK *from in front of jury*): What is your name?

CLARK: Miles H. Clark.

FIELD: Captain Clark, do you know Dred Scott?

CLARK: Yes. When I lived at Fort Armstrong, Dred Scott was Dr. Emerson's slave.

FIELD: Why were you at Fort Armstrong?

CLARK: I was a captain in the army. John Emerson was the surgeon.

FIELD: Is slavery legal in Illinois?

CLARK: No.

FIELD: Yet you are saying that Emerson kept Dred Scott in slavery there?

CLARK: Yes, he did.

FIELD: Thank you. I have no further questions. (*Sits.*)

Judge: Does the defense wish to cross-examine this witness?

LYMAN NORRIS: Yes, Your Honor.

(*To* CLARK *from in front of jury*): Captain Clark, what was Dr. Emerson doing at Fort Armstrong?

CLARK: As I said before, he was a surgeon in the army there.

NORRIS: Captain Clark, as a soldier yourself, would you say that military men have much choice where they serve in the army?

CLARK: No. We go where they send us.

NORRIS: And what do you bring with you when the army sends you to a new place?

CLARK: Well, I bring my clothes and all my belongings with me when I move.

NORRIS: Thank you. I have no more questions. (*Sits.*)

JUDGE: The witness may be seated. (CLARK *returns to his seat.*) Do the lawyers have any more witnesses?

DAVID HALL: No. We rest our case.

JUDGE: Then the defense may begin its case.

HUGH GARLAND (*stands*): Your Honor, we believe that the lawyers for the plaintiff, Dred Scott, have not made a case strong enough to prove he should become a free man. We will present no witnesses.

JUDGE: So the defense rests?

GARLAND: Yes. The argument in this case is not about what happened but whether or not the plaintiff should be a free man. (*Sits.*)

JUDGE: Very well. Are there any closing arguments? 14

Reading 2: The Dred Scott Trial *(page 4 of 4)*

ALEXANDER FIELD (*stands*): Yes, Your Honor. (*Crosses to address jury.*) As we have shown, slavery is not allowed in the state of Illinois or the Territory of Wisconsin. And yet, Dr. Emerson broke the law of these places by keeping Dred Scott as a slave who either worked for him or was hired out to other people. Therefore Dred Scott really became a free man when Dr. Emerson took him to those places. There have been other cases in the state of Missouri just like this one. And in those cases the court decided that a slave taken by his master into a free area becomes a free man, even if they move back to Missouri. Therefore, members of the jury, this is an easy decision for you. You should find the defendant, Mrs. Emerson, guilty of wrongly holding Dred Scott as a slave, and give Dred and his family their freedom. Thank you. (*Sits.*)

LYMAN NORRIS: Members of the jury, Mr. Field and Mr. Hall are wrong. Dr. Emerson was the husband of my client, the widow Mrs. Emerson. He served his country in the United States Army, and had no choice where he went. Why should someone in the army suffer by not being able to bring his property with him when he serves his country? Let's pretend that it's against the law to have horses in Illinois or Wisconsin Territory. If what the lawyers for the plaintiff say is true, then not only could you not take your horse with you when you went to those places, but the horse could be taken away from you when you came back to Missouri! That is why I am sure you will decide that Mrs. Emerson is not guilty, and that Dred Scott should remain a slave. Thank you. (*Sits.*)

JUDGE: Members of the jury, in deciding this case, you must keep the following points of law in mind: (1) Slavery is not allowed in the state of Illinois because of its constitution, and not allowed in Wisconsin Territory because of the laws which make up the Missouri Compromise; (2) Slavery is allowed in the state of Missouri because of its constitution and laws; (3) Hiring out a slave to someone else, and keeping the money yourself, is the same under the law as having your slave work for you; (4) If you believe that Dred Scott was wrongly held as a slave in either Illinois or Wisconsin Territory, that is evidence that you should find the defendant, Mrs. Emerson, guilty, and award Dred Scott his freedom.

Members of the jury, you must reach a verdict based only upon what you have heard in court today. It is your duty to retire and select a foreperson, and consider your verdict. Bailiff, take the jury outside to make that decision.

(BAILIFF *leads the* JURORS *outside, then waits just inside the door of the courtroom. When the jury has reached a verdict,* BAILIFF *leads the* JURORS *back to their seats.*)

JUDGE: Has the jury reached a verdict?

FOREPERSON: We, the jury, find the defendant, Mrs. Irene Emerson, _____ *[guilty* or *not guilty]* of unlawfully holding the plaintiff, Dred Scott, a slave.

JUDGE (*if verdict is guilty*): The jury has found the defendant guilty. It is therefore ordered that Dred Scott and his family be awarded their freedom. This court is adjourned. (*Bangs gavel.*)

JUDGE (*if verdict is not guilty*): The jury has found the defendant not guilty. It is therefore ordered that Dred Scott and his family be kept as slaves. This court is adjourned. (*Bangs gavel.*)

This reading was adapted from the trial transcript of the Dred Scott case by the staff of the Jefferson National Expansion Memorial.

Reading 3: The Significance of the Dred Scott Trial

Perhaps the most famous court case associated with the Old Courthouse is that of two slaves, Dred and Harriet Scott, who in 1846 filed a suit to obtain their freedom from slavery. The case was not a particularly unusual one and there was little coverage of the trial in the local newspapers. Slaves in Missouri often sued for their freedom on the grounds that they had been freed by a previous owner's will. Other slaves sued for their liberty because their masters had taken them to a non-slave-holding territory and then returned to Missouri. The courts commonly granted freedom in both circumstances, until this precedent was reversed by the Dred Scott case.

Dred Scott was brought to St. Louis from Virginia in 1830 by his master, Peter Blow. Later the Blow family sold Scott to Dr. John Emerson, an army surgeon. The slave accompanied his new owner on tours of duty at Rock Island, Illinois, and Fort Snelling in what is now Minnesota. At Fort Snelling Scott married a slave named Harriet who was purchased by Dr. Emerson from a fellow officer. In 1843 Emerson died, leaving the Scotts to his widow. In April 1846 Dred and Harriet Scott filed suit against Mrs. Irene Emerson for their freedom on grounds of previous residence in free territory.

The Scotts were helped in initiating their suit by Taylor Blow, the son of Dred's old master, who signed bonds for the Scotts when the suit was first filed. The case, which came to trial in June 1847 in the Missouri Circuit Court, was lost by the Scotts. They asked for a retrial, and at a second hearing, in 1850, the Scotts won their freedom.

Mrs. Emerson appealed the case to the Missouri State Supreme Court, which in 1852 reversed the decision of the lower court, returning the couple to slavery. Many were not happy with the decision. One of the judges wrote, "Times now are not as they were when former decisions of this subject were made. Since then not only individuals but states have been possessed with a dark and fell spirit in relation to slavery, whose gratification is sought in the pursuit of measures, whose inevitable consequence must be the overthrow and destruction of our government."

After the state supreme court decision, the Dred and Harriet Scott case began to attract national attention and the interest of prominent lawyers. Roswell Field, an accomplished attorney, took on the case and carried it to the Federal District Court. In May 1854, that court ruled in favor of Dred Scott's owner. Field immediately appealed to the U.S. Supreme Court.

Since the Scotts first filed their suit in 1846, tensions between the North and the South had grown. Laws regarding slavery had been passed at local, state, and national levels that caused much dissension between the two regions of the country. There was intense interest in the U.S. Supreme Court's decision.

The Supreme Court heard the case argued as *Dred Scott* v. *Sandford* because, technically, Scott was now the property of Emerson's brother-in-law, John F. A. Sanford (a clerk misspelled the name of the defendant). The Supreme Court held hearings twice: once in February 1856 and again the following December. The verdict—a seven to two vote—was delivered on March 6, 1857, by Chief Justice Roger Taney who read the "Opinion of the Court." Essentially the court decided that because the Scotts were slaves, they were not considered citizens under the Constitution, and therefore could not sue for their freedom in court. The justices also ruled that the ban on slavery in the Missouri Compromise was unconstitutional. Slave owners could not be deprived of their property, and the recently acquired western territories would have to allow slave holders and thus slavery within their borders. The decision struck a blow to the delicate balance of nonslave versus slave states. Instead of lessening sectional tensions as Taney had hoped, the decision only hastened the nation's slide into civil war.

This reading was adapted from Donald Dosch, The Old Courthouse: Americans Build a Forum on the Frontier *(Jefferson National Expansion Historical Association, 1979).*

Photo 1.

Todd Stallion, Inc.

The Old Courthouse and surrounding downtown buildings, c. 1942.

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